



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Agenda CITY COUNCIL

R. Steve Tumlin, Mayor
Stuart Fleming, Ward 1
Grif Chalfant, Ward 2
Johnny Walker, Ward 3
G. A. (Andy) Morris, Ward 4
Anthony Coleman, Ward 5
Michelle Cooper Kelly, Ward 6
Philip M. Goldstein, Ward 7

Wednesday, August 13, 2014

7:00 PM

Council Chamber

CALL TO ORDER:

INVOCATION:

Council Member Anthony Coleman introduces Pastor Warren Dillion for the invocation.

PLEDGE OF ALLEGIANCE:

Marietta High School AFROTC will present the colors.

PRESENTATIONS:

20140869 Service Award - Julia Carrie Walker

Presentation of a Service Award to Julia Carrie Walker for her dedication and service on the Marietta Historic Board of Review.

20140870 Service Award - William "Bill" J. Martin

Presentation of a Service Award to William "Bill" J. Martin for his dedication and service on the Marietta Board of Zoning Appeals.

PROCLAMATIONS:

20140776 Presentation of a Key to the City

Mayor Tumlin presents a Key to the City to Dansby Swanson, Vanderbilt University baseball star. Swanson plays second base for the Commodores, and was named Most Valuable Player of the Collegiate World Series beating Virginia and winning its first National Championship.

ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE MAYOR, COUNCIL AND/OR CITY MANAGER:**SCHEDULED APPEARANCES:****20140808 Disability Link & Mobility Works**

Mr. Charles James, Disability Link & Mobility Works will give a brief presentation to the Mayor and City Council.

UNSCHEDULED APPEARANCES:**CONSENT AGENDA:**

Consent agenda items are marked by an asterisk (*). Consent items are approved by majority of council. A public hearing will be held only for those items marked by an asterisk that require a public hearing (also noted on agenda).

MINUTES:*** 20140865 Regular Meeting - July 9, 2014**

Review and approval of the July 9, 2014 regular meeting minutes.

*** 20140866 Special Meeting - July 21, 2014**

Review and approval of the July 21, 2014 special meeting minutes.

Council member Goldstein abstaining.

*** 20140867 Special Meeting - July 28, 2014**

Review and approval of the July 28, 2014 special meeting minutes.

MAYOR'S APPOINTMENTS: (for informational purposes only)**CITY COUNCIL APPOINTMENTS:****ORDINANCES:**

20140614 Z2014-09 Ready Mix USA, LLC 1398 Owenby Drive

Z2014-09 [SPECIAL LAND USE PERMIT] READY MIX USA, LLC request a Special Land Use Permit for a concrete batch plant with conditions for a silo with a height of 85' for property located in Land Lot 08750, District 16, Parcel 0120, 2nd Section, Marietta, Cobb County, Georgia and being known as 1398 Owenby Drive, currently zoned HI (Heavy Industrial). Ward 5B.

The Planning Commission recommends approval with stipulations Vote: 7 – 0 – 0

Motion: Mr. Vanderslice recommend to city council that this Special Land Use Permit be approved, seconded by Mr. Diffley.

Stipulation:

1. *Conveyor dust covers be replaced;*
2. *Bag collection system be operational;*
3. *Opaque fencing be installed. Items 1 through 3 be done within 30 days;*
4. *Set up a committee to meet with neighbors and have periodic sessions with neighbors;*
5. *Provide reachable people for neighbors to call to address problems as they occur.*

PUBLIC HEARING (all parties are sworn in)

20140750 2014-10 Gregory Vance & Margaret Quinn 740 and 750 Allgood Road

Z2014-10 [REZONING] GREGORY VANCE & MARGARET QUINN request rezoning for property located in Land Lot 10710, District 16, Parcels 0210 and 0220, 2nd Section, Marietta, Cobb County, Georgia and being known as 740 and 750 Allgood Road from OI (Office Institutional) to CRC (Community Retail Commercial). Ward 6A.

*The Planning Commission recommends Recommended for approval with variances
Vote: 7 – 0 – 0*

Motion: Mr. Diffley moved to recommend this request to city council to be approved, seconded by Mr. Poor.

Stipulations:

- *Variance to reduce the required landscaped buffer along the southeast property line from 40' to 10'.*
- *Variance to reduce the required rear yard setback (measured from the buffer line) from 35' to 14.5'.*

PUBLIC HEARING (all parties are sworn in)

* **20140751 Z2014-11 Douglas Clarke Bentley and Frederick Andrew Bentley 249 Crescent Circle**

Z2014-11 [REZONING] DOUGLAS CLARKE BENTLEY AND FREDERICK ANDREW BENTLEY request rezoning for property located in Land Lot 12310, District 16, Parcel 0480, 2nd Section, Marietta, Cobb County, Georgia and being known as 249 Crescent Circle from OI (Office Institutional) to CRC (Community Retail Commercial). Ward 3A.

The Planning Commission recommends Recommended for approval Vote: 7 – 0 – 0

Motion: Mr. Anderson moved to recommend this request to city council, seconded by Mr. Vanderslice.

Stipulations: N/A

PUBLIC HEARING (all parties are sworn in)

* **20140764 Z2014-13 City of Marietta (Custer Park) 500 North Fairground Street, 545 Kenneth E Marcus Way, and 586 Kenneth E Marcus Way**

Z2014-13 [REZONING] CITY OF MARIETTA (CUSTER PARK) request rezoning for property located in Land Lot 10900, District 16, Parcels 0780, 0840, and 0920, 2nd Section, Marietta, Cobb County, Georgia and being known as 500 North Fairground Street, 545 Kenneth E Marcus Way, and 586 Kenneth E Marcus Way from PRD-MF [Planned Residential Development (Multi-Family)] and CRC (Community Retail Commercial) to OI (Office Institutional). Ward 5B.

The Planning Commission recommends approval Vote: 7 – 0 – 0

Motion: Mrs. McCrae moved to recommend this request to city council, seconded by Mr. Hicks.

Stipulations: N/A

PUBLIC HEARING (all parties are sworn in)

* **20140822 Z2014-14 City of Marietta Lakewood Drive Right-of-Way**

Z2014-14 [REZONING] CITY OF MARIETTA request rezoning for property located in Land Lot 1288, District 16, 2nd Section, Marietta, Cobb County, Georgia and being known as Lakewood Drive right-of-way from unzoned to PRD-MF [Planned Residential Development (Multi-Family)]. Ward 1A.

The Planning Commission recommends approval Vote: 7 – 0 – 0

Motion: Mr. Rosenbury moved to recommend this request to city council, seconded by Mr. Diffley.

Stipulations: N/A

PUBLIC HEARING (all parties are sworn in)

RESOLUTIONS:**CITY ATTORNEY'S REPORT:**

- * **20140884 Denial of Claim**
Denial of the claim of Cynthia Dupre.

- * **20140875 Denial of Claim**
Denial of the claim of Lorena Diaz.

CITY MANAGER'S REPORT:**MAYOR'S REPORT:****COMMITTEE REPORTS:****1. Economic/Community Development: G. A. (Andy) Morris, Chairperson**

- * **20140809 SEMAP Certification Report**
Approval of a Resolution authorizing the acceptance of the Section 8 Management Assessment Program (2014 SEMAP Certification) report with a score of 100% which will be submitted to the US Department of Housing and Urban Development (HUD) August 2014.

2. Finance/Investment: Stuart Fleming, Chairperson

- * **20140834 Donation to the Tree Preservation Fund by Mercedes**
Ordinance approving an amendment to the Fiscal Year 2015 Tree Preservation Fund budget to receive and appropriate a donation from Mercedes of Marietta.

- * **20140842 Tourism Development**
Ordinance approving an amendment to the Fiscal Year 2015 Budget to appropriate \$2,500 from the tourism development contingency to cover the cost of an appraisal for a proposed property acquisition.

Council member Goldstein abstaining.

3. Judicial/Legislative: Philip M. Goldstein, Chairperson

- * 20140827 Lower Roswell Road Island Annexation**

Motion to advertise the annexation of the northwest portion of the Lower Roswell Road Island properties as identified by the parcel address list in the attached table (Exhibit C) into the City of Marietta.

- * 20140839 Telecommunication Towers and Infrastructure**

Motion to authorize advertisement of proposed amendments to Section 712.07, Telecommunication Towers and Infrastructure.

- * 20140841 Revised Detailed Plan for Riverstone Church located at 2005 Stilesboro Road**

Motion to approve the revised Detailed Plan for Riverstone Church to allow the operation of Gracepoint School until August 30, 2015 for no more than 30 students; said property being located in Land Lot 252, District 20, Parcel 304, 2nd Section, Marietta, Cobb County, Georgia and being known as 2005 Stilesboro Road.

- 20140577 Division 714 Signs, paragraph 714.04(G) Billboards; and paragraph 704.06 (C) Nonconforming Signs (Alternate 2)**

Motion to authorize advertisement of proposed revisions to the Comprehensive Development Code of the City of Marietta, Division 714, Signs, paragraph 714.04(G) Billboards; and paragraph 704.06 (C) Nonconforming Signs.

- 20140789 Downtown Marietta Development Authority / First Baptist Church of Marietta Parking Intergovernmental Agreement**

Motion to approve assignment of “Agreement as to Parking Facilities” dated July 11, 1979 from the Downtown Marietta Development Authority to the City of Marietta. The owner of the property which is the subject matter of release is the First Baptist Church of Marietta.

- * 20140824 Gateway Marietta CID Cooperative Agreement**

Motion to approve the Gateway Marietta CID Cooperation Agreement between the City of Marietta and Gateway Marietta CID Board as attached (Exhibit B).

* **20140836 International Property Maintenance Code, 2006 Edition**

Approval of the submission to the state of Georgia of an ordinance amending Section 7-4-2-100, Housing Code, to include the adoption of the International Property Maintenance Code, 2006 Edition.

Council member Goldstein opposed.

* **20140918 Regulation of Boarded Up Buildings**

Approval of the submission to the state of Georgia of an amendment to Section 7-4-2, so as to add 7-4-2-150, Regulation of boarded up buildings, to the Marietta City Code.

Council member Goldstein opposed.

4. Parks, Recreation and Tourism: Michelle Cooper Kelly, Chairperson

20140891 335 Allgood Road

Motion to authorize the acquisition of property owned by Peggy L. Price on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

PUBLIC HEARING

5. Personnel/Insurance: Johnny Walker, Chairperson

* **20140671 Addendum to 457 Deferred Compensation Plans**

Motion to approve an addendum to the existing 457 Deferred Compensation Plans to allow participants to take loans from their personal accounts, per the terms as set forth herein.

* **20140835 Property Casualty/Miscellaneous Coverage**

Motion to approve the City of Marietta/BLW property casualty and other miscellaneous coverage, premiums and companies utilized for the policy period of August 14, 2014 to August 13, 2015.

6. Public Safety Committee: Anthony Coleman, Chairperson**7. Public Works Committee: Grif Chalfant, Chairperson***** 20140781 Lakewood Drive Right of Way**

Motion authorizing the abandonment and exchange of a portion of Lakewood Drive Right of Way in exchange for newly dedicated right for way for Street "D" as shown on a Detailed Plat for Manget Phases 2, 3, & 4 approved July 10, 2013, subject to easements being provided for any utilities existing within the portion of Lakewood Drive Right of Way to be abandoned. Final exchange of right of way is to be completed in conjunction with the approval of the Final Subdivision Plat for said property. The City Attorney and Director of Public Works are authorized to take any actions necessary to finalize the exchange of right of way.

*PUBLIC HEARING**** 20140728 2005 SPLOST Project Budget Reallocation**

Motion approving reallocation to balance 2005 SPLOST project budgets.

Council member Goldstein disclosed that he and/or an entity(s) that he owns, owns property(s) on Waverly Way (along the railroad) and leases and/or owns other property between Whitlock Avenue and West Anderson Street that may possibly be part of the proposed project.

Council member Goldstein abstaining.

*** 20140815 2011 SPLOST Project Budget Reallocation**

Motion authorizing reallocation of 2011 SPLOST project budgets.

Council member Goldstein disclosed that he and/or an entity(s) that he owns, owns property(s) on Waverly Way (along the railroad) and leases and/or owns other property between Whitlock Avenue and West Anderson Street that may possibly be part of the proposed project.

Council member Goldstein abstaining.

*** 20140826 South Marietta Parkway at Powder Springs Street Intersection**

Ordinance approving an amendment to the Fiscal Year 2015 budget to appropriate reimbursable grant funds from GDOT for Public Works project for South Marietta Pkwy @ Powder Springs Intersection project.

* **20131483 Twin Brooks No Parking Zone**

Motion authorizing Public Works to install two (2) parking restrictions signs between 1763 and 1769 Twin Brooks Drive, stating “No Parking between 8:00AM-6:00PM, Monday - Friday”.

20140788 Plan for the Central Business District CBD) Makeover/Improvements

Motion to authorize staff to move forward with the feasibility examination (costs, source of funds, infrastructure design) for the Central Business District CBD) including, but not limited to:

- Parking Meters
 - Parking Management
 - Dedication of Parking Meter Fees (net of annual capital improvements, maintenance, and operation costs) for a restrictive use for Downtown Business District through current term of council (12/31/17).
 - Invest in high tech parking meters
- Dumpsters off Street
 - A better, cleaner, esthetically pleasing, efficient way of servicing trash
 - Expense and capital outlay
 - funding
- Extension of Sidewalk on North Park, West Park, and East Park Square
 - Leaving 3 lanes of traffic on North, West and East Park Square (note all “feeders” into the square are at most 3 lanes with all on North and South being 2 Lanes and only 2 3 lanes on East side, in other words, do we need 4 lanes for 1 block?)
 - Retaining parking on each, just further out
 - Would allow for more Central Business District CBD) flexibility for functions without closing of the street (i.e., Chalk Fest)
- Purchase of square parcel for purpose of:
 - Create tourism center/promotion on Central Business District CBD)
 - Public Rest Rooms included in new building for functions and park thus eliminating portables and overall lack thereof
 - 2nd floor for governmental/community purpose
 - Improve on existing Central Business District CBD) eye sore/distraction
- Upgrading stage and gazebo

Council member Goldstein disclosed that he is the owner and manager of Marietta Properties, which is the owner of 67-87 North Park Square, Marietta GA.

* **20140704 Whitlock Avenue Streetscape and Pedestrian Improvement Project**

Approval of the conceptual plans for Whitlock Avenue Streetscape and Pedestrian Improvement Project.

* **20140820 Kirkpatrick Drive Speed Limit**

Motion to approve a speed limit change to 25 mph on Kirkpatrick Drive.

Council member Goldstein opposed.

* **20140908 GDOT Construction Agreement**

Motion to approve a contract between the Georgia Department of Transportation (GDOT) and the City of Marietta for the construction of the KMCR Trail Intown & North project.

Council member Goldstein disclosed that he and/or an entity(s) that he owns, owns property(s) on Waverly Way (along the railroad) and leases and/or owns other property between Whitlock Avenue and West Anderson Street that may possibly be part of the proposed project.

Council member Goldstein abstaining.

OTHER BUSINESS:

20140753 V2014-22 Keith Cristal 1798 Roswell Road

V2014-22 [VARIANCE] KEITH CRISTAL requests variances for property located in Land Lot 11340, District 16, Parcel 0100, 2nd Section, Marietta, Cobb County, Georgia and being known as 1798 Roswell Road, currently zoned CRC (Community Retail Commercial). Variance to allow a pylon sign and a variance to relocate four street trees to the side yard of the property. Ward 7A.

Council member Goldstein disclosed that Keith Crystal is a tenant of his and/or Herbert S. Goldstein Family Limited Partnership and/or other LLC(s) that are owed in whole or in part by Philip M. Goldstein or managed by or which Philip M. Goldstein is a General Manager.

Council member Goldstein abstaining.

20140754 V2014-24 Ed Schagren / S&S Sign Services 2235 Northwest Parkway

V2014-24 [VARIANCE] ED SCHAGREN/S&S SIGN SERVICES request a variance for property located in Land Lot 07850, District 17, Parcel 0050, 2nd Section, Marietta, Cobb County, Georgia and being known as 2235 Northwest Parkway, currently zoned LI (Light Industrial). Variance to allow for a non-conforming use (pylon sign) to be moved from one side of property to the other side to allow for better visibility. Ward 7A.

20140767 V2014-25 Allgood I-75 Ind Prop., Inc. 879 Pickens Industrial Drive

V2014-25 [VARIANCE] ALLGOOD I-75 IND. PROP., INC. (JIM FREEMAN) request a variance for property located in Land Lot 10200, District 16, Parcel 0100, 2nd Section, Marietta, Cobb County, Georgia and being known as 879 Pickens Industrial Drive, currently zoned LI (Light Industrial). (1) Variance to eliminate the requirement that a billboard be regulated as a principal use; (2) variance to allow a billboard be located on a lot upon which a building is located if such lot or the building thereon has any sign located thereon; (3) variance to receive density credit for apple trees; (4) variance to allow 12 existing dogwood trees located in the right of way count as street trees; and (5) a variance to waive the street trees along the I-75 frontage.

*** 20140907 Georgia Public Web (GPW) Representative**

Motion to appoint City Manager – Executive Manager of the Board of Lights and Water, Bill Bruton as the voting delegate and Customer Care Director Ron Mull as the alternate voting delegate, for the 2014 Georgia Public Web (GPW) annual election.

*** 20140909 1260 Powder Springs Street**

Motion authorizing acquisition of a portion of property at 1260 Powder Springs Street from ALDI, Inc. Georgia for the purpose of constructing the Powder Springs Street Sidewalk Phase II Project in exchange for \$465.14.

*** 20140910 1215 Powder Springs Street**

Motion authorizing acquisition of a portion of property at 1215 Powder Springs Street from Spirit Master Funding III, LLC for the purpose of constructing the Powder Springs Street Sidewalk Phase II Project in exchange for \$3,072.71.

* **20140911 1410 Dura Drive**

Motion authorizing acquisition of a portion of property and temporary construction easements at 1410 Dura Drive from Waffle House Inc. for the purpose of constructing the Powder Springs Street Sidewalk Phase II Project in exchange for \$5,700.00.

* **20140912 739 Franklin Road**

Motion authorizing acquisition of a portion of property and easements at 739 Franklin Road from 739 Franklin Properties, LLC for the purpose of constructing the Franklin Road Improvements Project - From Twin Brooks to Las Colinas Apartments in exchange for \$55,400.00 with a stipulation that the City of Marietta will install/erect a four foot wrought iron style fence on top of the concrete two foot retaining wall along the right-of-way.

* **20140913 707 Franklin Road**

Motion to authorize the acquisition of property owned by Liberty Pointe, LLC on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

* **20140914 80 Black Street**

Motion to authorize the acquisition of property owned by Muriel J. Booker and Harriet Scott on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

* **20140915 680 Franklin Road - Parcel 14-T**

Motion to authorize the acquisition of property owned by CBS Outdoor on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

* **20140916 860 Franklin Road**

Motion to authorize the acquisition of property owned by Castlebrook Owner, LLC on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

* **20140868 BLW Actions of the August 11, 2014**

Review and approval of the August 11, 2014 actions and minutes of the Marietta Board of Lights and Water.

UNSCHEDULED APPEARANCES:

ADJOURNMENT: